

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PATRICIA KAYMMEYER, <u>et al.</u> ,	:	
	:	NO. 1:01-CV-00649
Plaintiffs,	:	
	:	
	:	ORDER
v.	:	
	:	
	:	
CITY OF SHARONVILLE, <u>et al.</u> ,	:	
	:	
Defendants.	:	

This matter is before the Court on the Plaintiffs' Motion to Continue Motions Hearing and Memorandum in Support (doc. 222) and Defendants' Joint Memorandum in Opposition to Plaintiffs' Motion to Continue Motions Hearing (doc. 224).

Plaintiffs request that the Court reschedule the hearing set for February 24, 2005 to an alternate date, as lead Plaintiffs' counsel will be in trial before another federal district court judge on that date (doc. 222). Defendants oppose rescheduling the hearing without a simultaneous rescheduling of the scheduled trial date. The Defendants oppose Plaintiffs' request for three reasons (doc. 224). One, the Motion for Summary Judgment on Statute of Limitations grounds has been pending since October 22, 2004 (doc. 224). Two, the ruling on this Summary Judgment Motion has already been postponed twice because of requests made by Plaintiffs (Id.). And, three, by March 23, 2005 Defendants' separate Motions for Summary Judgment on the substantive issues

will have been pending for a month (Id.). Defendants are concerned that the Court will be left with just over one month to rule on both Summary Judgment Motions (Id.).

The Court finds the request of Plaintiffs well-taken. The Court notes that the hearing on the Statute of Limitation Motion has only be scheduled once (see doc. 216) and not postponed twice as Defendants assert. Furthermore, the Court is confident in its ability to rule on multiple motions under a five-week time constraint. As such the Court VACATES the hearing set for Thursday, February 24, 2005. It CONVERTS the Final Pre-Trial Conference scheduled for Thursday, March 24, 2005 at 2:00 P.M. into a hearing on the following documents: 180, 187, 194, 197, 202, 205. The Court SCHEDULES a Final Pre-Trial Conference for Thursday, April 14, 2005 at 9:00 A.M. The Trial will take place on May 10, 2005 as originally scheduled.

SO ORDERED.

Dated: February 17, 2005

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge